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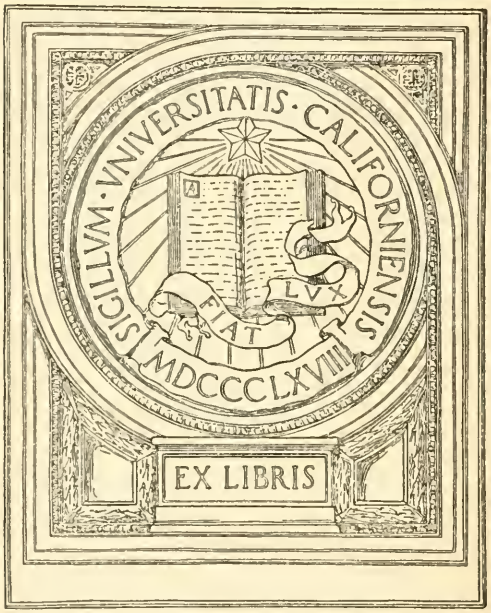

THE CHARTER

OF THE

CITY OF GRAND JUNCTION, COLORADO.

FRAMED BY THE CHARTER CONVENTION, AUGUST 6, 1909.

BY AUTHORITY OF ARTICLE XX. OF THE CONSTITUTION.

To Be Voted on September 14, 1909.

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PREFATORY SYNOPSIS

OF THE

CHARTER OF THE CITY OF GRAND JUNCTION, COLO.

The intent and purpose of this charter is to establish a free and independent city, and to restore to and vest in the people of the city, so far as the constitution of the state will permit, their natural, inherent, and inalienable right of local self-government, with all its powers, duties, and responsibilities.

To that end, under and by the provisions of this charter:—

The municipal government is vested, independently of legislative interference, with all powers not denied it by the constitution of the state.

The people of the city are vested with its supreme legislative powers, with easy preliminary conditions in making and changing its charter and ordinances, and also with the absolute and exclusive power of authorizing, regulating or terminating its public service corporations, and of recalling its elective officers.

The preferential system of voting has been established, in lieu of direct primaries or of second elections, thus securing a unique and accurate expression of the public will at the polls, with the minimum of cost and effort.

Partisan and machine politics and government are inhibited, and a municipal democracy substituted therefor.

No fixed tenure of office or employment is permitted except, subject to recall of elective officers, and, as authorized by a classified civil service, for employes.

The city wards and the saloons have been abolished.

Opportunities for graft and favoritism in innumerable directions have been eliminated.

Boards have been established to care for the public library, parks, charities, and civil service.

The city has been divided into five administrative departments, viz.:

I. Public Affairs.
II. Finance and Supplies.
III. Highways.
IV. Health and Civic Beauty.
V. Water and Sewers.

The question of having three commissioners to administer the five departments, instead of the five provided for in the charter, is submitted as an alternative question to a vote of the qualified electors at the same time that they vote on the adoption of the charter.

The commission form of government has been improved and adopted, electing each commissioner directly to his department, and clearly defining his duties.

Each commissioner is required to take the active charge and management of his department, giving his whole time thereto, and has before

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him the opportunity and incentive of becoming a specalist therein, and thus of establishing a most efficient administration.

The mayor as judge of the Municipal Court, superceding a judgeship dependent on the fee system, also as chief executive and head of the police department, is made the paternal guardian of juvenile and other unfortunate police-classes.

An efficient financial system and purchasing agency for the city has been provided, and special taxation limited.

A beautiful, sanitary and prosperous city is provided for.

The city water works system is retained, its extension and improvement facilitated, and equitable rates for water not exceeding cost, are required.

The proposed charter preserves every valuable feature of our state laws, and has introduced only such new provisions as, after careful consideration, were deemed advisable and necessary.

The contents are arranged as follows:

Article I.	Name, Boundaries, Powers, Rights and Liabilities.
Article II.	Elections.
Article III.	Recall of Elective Officers.
Article IV.	Elective Officers.
Article V.	The Mayor.
Article VI.	The Council.
Article VII.	Executive and Administrative Departments.
Article VIII.	Department of Public Affairs.
Article IX.	Department of Finance and Supplies.
Article X.	Department of Highways.
Article XI.	Department of Health and Civic Beauty.
Article XII.	Department of Water and Sewers.
Article XIII.	Officers and Employes.
Article XIV.	Franchises and Public Utilities.
Article XV.	Commissions and Boards.
Article XVI.	Direct Legislation by the People.
Article XVII.	General Provisions.

THE CHARTER

OF THE

CITY OF GRAND JUNCTION, COLORADO.

PREAMBLE.

We, the people of the city of Grand Junction, under the authority of the constitution of the State of Colorado, do ordain and establish this Charter for the city of Grand Junction, Colorado.

ARTICLE I.

NAME, BOUNDARIES, POWERS, RIGHTS AND LIABILITIES.

1. Name—Boundaries.—The municipal corporation now existing and known as the "City of Grand Junction," shall remain and continue to be a body politic and corporate under the same name and with the same boundaries, with power and authority to change its boundaries in manner authorized by law.

2. Powers—Rights—Liabilities.—By the name of the "City of Grand Junction," the city—

(a) Shall have perpetual succession, and shall own, possess and hold all property, real and personal, theretofore owned, possessed, or held by the said City of Grand Junction, and shall assume, manage, and dispose of all trusts in any way connected therewith;

(b) Shall succeed to all the rights and liabilities, and shall acquire all benefits, and shall assume and pay all bonds, obligations and indebtedness of said city of Grand Junction; by that name may sue and defend, plead and be impleaded, in all courts and places, and in all matters and proceedings; may have and use a common seal and alter the same at pleasure; may purchase, receive, hold and enjoy, or sell and dispose of, real and personal property;

(c) May receive bequests, gifts and donations of all kinds of property in fee simple, or in trust for public, charitable, or other purposes; and do all things and acts necessary to carry out the purpose of such gifts, bequest and donations, with power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the gift, bequest or donation;

(d) Shall have the power, within or without its territorial limits, to construct, condemn and purchase, purchase, acquire, lease, add to, maintain, conduct and operate waterworks, light plants, telephone systems, power plants, transportation systems, heating plants, and any other public utilities or works or ways local in use and extent, in whole or in part, and everything required therefor, for the use of said city and the inhabitants thereof, and any such systems, plants, or works or ways, or any contracts in relation or connection therewith, that may exist and which said city may desire to purchase, in whole or in part, the same or any

part thereof may be purchased by said city which may enforce such purchase by proceedings at law as in taking land for public use by right of eminent domain, and shall have the power to issue bonds upon the vote of the taxpaying electors, at any special or general election, in any amount necessary to carry out any of said powers or purposes;

(e) The legislative, executive and judicial powers of the City shall extend to all matters of local and municipal government, it being the intent hereof that the specifications of particular powers by any other provision of this Charter, shall never be construed as impairing the effect of the general grant of powers of local government hereby bestowed;

(f) The City shall also have all powers, privileges and functions which, by or pursuant to the Constitution of this State, have been, or could be, granted to or exercised by any City of the first or second class;

(g) All powers of the City shall, except as otherwise provided in this Charter, be vested in its elective officers, subject to distribution and delegation of such powers as provided in this Charter or by ordinance.

ARTICLE II.

ELECTIONS.

3. General and Special Municipal Elections.—A municipal election shall be held in the city on the first Tuesday after the first Monday in November 1909, and on the first Tuesday after the first Monday in November on every second year thereafter, and shall be known as the General Municipal Election. All other municipal elections that may be held, shall be known as Special Municipal Elections.

4. Registration.—No person shall be permitted to vote at any municipal election without having been registered. The registration shall be the same as is now or may hereafter be provided by the general laws of the State, except as the council may otherwise by ordinance provide.

5. Judges and Clerks.—The judges and clerks of any election shall be selected from a list of persons, one each of whom may be proposed for each election precinct by each candidate. In case there are five candidates or more who present lists at any election, not more than one judge or clerk of election shall be chosen for each precinct from the names proposed by any one candidate. All such lists shall be proposed in writing at least fifteen days before election. In case an insufficient number of names are so proposed, the city council may select such number as may be necessary in order to provide three judges and two clerks for each election precinct.

6. Nomination and Election of Officers.—The mode of nomination and election of all elective officers of the city to be voted for at any municipal election shall be as follows and not otherwise:

7. Condition of Candidacy.—The name of a candidate shall be printed upon the ballot when the petition of nomination shall have been filed in his behalf, in the manner and form and under the conditions hereinafter set forth.

8. Form of Nomination Petition.—The petition of nomination shall consist of not less than twenty-five (25) individual certificates which shall read substantially as follows:

PETITION OF NOMINATION.

Individual Certificate.

STATE OF COLORADO,
County of Mesa,
City of Grand Junction. } ss.

I do hereby join in a petition for the nomination of.....
.....whose residence is at No.....
Street, Grand Junction, for the office of.....,
to be voted for at the municipal election to be held in the city of Grand Junction, on the.....day of.....19.....;
and I certify that I am a qualified elector, and am not at this time a signer of any other certificate nominating any other candidate for the above named office; that my residence is at No..... .....
Street, Grand Junction, and that my occupation is.....

I also certify that I believe the above named person is especially qualified to fill the said office and is of a good moral character. I further certify that I join in this petition for the nomination of the above named person believing that he has not become a candidate as the nominee or representative of, or because of any promised support from any political party, or any committee or convention representing or acting for any political party.

(Signed).....

STATE OF COLORADO,
County of Mesa,
City of Grand Junction. } ss.

....., being first duly sworn, deposes and says that he is the person who signed the foregoing certificate, and that the statements therein are true.

(Signed).....

Subscribed and sworn to before me this.. .....day of
....., A. D. 19.....

My commission expires.....

.....
Notary Public.

The petition of nomination, of which this certificate forms a part shall, if found insufficient, be returned to..... at No.....Street, Grand Junction.

9. Forms Supplied by City Clerk.—It shall be the duty of the city clerk to furnish upon application, a reasonable number of forms of such individual certificates, and of acceptances or rejections of nomination.

10. Requirements of Certificate.—Each certificate must be a separate paper. All certificates must be of a uniform size as determined by the city clerk. Each certificate must contain the name and signature of one signer thereto and no more. Each certificate must contain the name of one candidate and no more. In case an elector has signed two or more conflicting certificates, all such conflicting certificates shall be rejected. Each signer must make oath to his certificate before a Notary Public substantially in the form prescribed in section 8 of this article.

11. Date of Presenting Petition.—Twenty-five or more of such individual certificates shall constitute a petition of nomination for any one candidate, and shall be presented to the city clerk, not earlier than thirty nor later than twenty days before the election. The clerk shall endorse thereon the date upon which the petition was presented to him, and by whom presented.

12. Examination of Petition by City Clerk.—When a petition of nomination is presented to the city clerk for filing, he shall forthwith examine the same, and ascertain whether it conforms to the provisions of this article. If found not to conform thereto, he shall then and there in writing on said petition state the reason why such petition cannot be filed, and shall forthwith return the petition to the person presenting the same, named as the person to whom it shall be returned in accordance with this article. The petition may then be amended and again, but not later than three days after said petition shall have been returned, presented to the city clerk, as in the first instance. The city clerk shall forthwith proceed to examine the amended petition as hereinbefore provided.

13.—Filing of Petitions.—If either the original or the amended petition of nomination be found sufficiently signed, as hereinbefore provided, the city clerk shall file the same forthwith.

14. Withdrawal or Acceptance.—Any person whose name has been presented under this article as a candidate may, not later than fifteen days before the election, cause his name to be withdrawn from nomination by filing with the city clerk a request therefor in writing, under his own signature, duly attested by a Notary Public, and no name so withdrawn shall be printed upon the ballot. Any person nominated under this article shall file his acceptance with the city clerk not later than fifteen days before the day of election, and in the absence of such acceptance, the name of the candidate shall not appear on the ballot.

15.—Form of Acceptance.—The acceptance mentioned in the preceding paragraph shall be substantially in the following form:

STATE OF COLORADO,
County of Mesa, } ss.
City of Grand Junction.

I, ..., having heretofore been nominated for the office of.....in said city, do hereby accept the said nomination, and I have not become, and am not a candidate as the nominee or representative of, or because of any promised support from any political party, or any committee or convention representing or acting for any political party, or organization.

(Signed).....

Subscribed and sworn to before me this.....day of ....., A. D. 19....

My commission expires... .....

.....
Notary Public.

16.—Preservation of Petitions, Etc.—The city clerk shall preserve in his office, for a period of two years, all petitions of nomination, and all certificates, acceptances, and rejections belonging thereto filed under this article.

17. Election Notices.—The city clerk shall, on the tenth day before every city election, certify a list of the candidates so nominated for office at such election, whose names are entitled to appear on the ballot, as being the list of candidates nominated as required by this charter, together with the offices to be filled at such election, designating whether such election is for a full or unexpired term; and he shall file in his office said certified list of names and the offices so to be filled, and he shall cause to be published in a notice calling such election, for three successive days before such election, in two daily newspapers of general circulation, and published in the city of Grand Junction, an election notice, which said notice shall contain a list of said names of candidates, the offices to be filled, and the time when, and the places of holding such election.

18. Preferential Ballot—Form.—The city clerk shall cause ballots for each general and special election to be printed, bound, numbered, endorsed, and authenticated, as provided by the constitution and laws of the State, except as otherwise required in this Charter. The ballots shall contain the full list and correct name of all the respective offices to be filled, and the names of the candidates nominated therefor. It shall be in substantially the following form with the cross (X) omitted when there are four or more candidates for any office. (When there are three and not more candidates for any office, then the ballot shall give first and

second choice only; when there are less than three candidates for any office, all distinguishing columns as to choice, and all reference to choice, may be omitted.)

GENERAL (OR SPECIAL) MUNICIPAL ELECTION, CITY OF GRAND JUNCTION. (Inserting date thereof)

Instructions.—To vote for any person, make a cross (X) in ink in the square in the appropriate column according to your choice, at the right of the name voted for. Vote your first choice in the first column; vote your second choice in the second column; vote any other choice in the third column; vote only one first and only one second choice. Do not vote more than one choice for one person, as only one choice will count for any candidate by this ballot. Omit voting for one name for each office, if more than one candidate therefor. All distinguishing marks make the ballot void. If you wrongly mark, tear, or deface this ballot, return it, and obtain another.

Commissioners of Public Affairs.	First Choice	Second Choice	Third Choice
John Doe			X
James Foe	X		
Louis Hoe		X	
Dick Joe			X
Richard Roe			
Commissioner of Highways.			
Mary Brown	X		
Harry Jones		X	
Fred Smith			
Commissioner of Water and Sewers.			
Joe Black	X		
Robert White			

Charter Amendments, Ordinances, or Other Referendum Propositions.

19. Blank Spaces for Additional Candidates.—One space shall be left below the printed names of the candidates for each office to be voted for, wherein the voter may write the name of any person for whom he may wish to vote.

20. Requirements of Ballots.—All ballots printed shall be identical, so that without the numerical number thereon it would be impossible to distinguish one ballot from another. Space shall be provided on the

ballot for Charter Amendments or other questions to be voted on at the municipal elections, as provided by this charter. The names of candidates for each office shall be arranged in alphabetical order of the sur-names. Nothing on the ballot shall be indicative of the source of the candidacy, or of the support of any candidate. No ballot shall have printed thereon any party or political designation or mark, and there shall not be appended to the name of any candidate any such party or political designation or mark, or anything indicating his views or opinions.

21. Sample Ballots.—The city clerk shall, at least five days before the election, cause to be printed not less than five hundred sample ballots, upon paper of different color, but otherwise identical with the ballot, to be used at the election, and shall distribute the same, upon application of the candidates, to the registered voters at his office.

22. Canvass and Election.—As soon as the polls are closed, the election judges shall immediately open the ballot boxes, take therefrom and count the ballots, and enter the total number thereof on the tally sheet provided therefor. They shall also carefully enter the number of the first, second, and third choice votes for each candidate on said tally sheet and make return thereof to the city clerk as provided by law. No vote shall be counted for any candidate more than once on any ballot, all subsequent votes on that ballot for that candidate being void.

The person receiving more than one-half of the total number of ballots cast at such election as the first choice of the electors for any office shall be elected to that office; provided, that if no candidate shall receive such a majority of the first choice votes for such office, then and in that event, the name of the candidate printed on the ballot having the smallest number of first choice votes, and all names written on the ballot having a less number of votes, than such last named candidate, shall be excluded from the count, and votes for such candidate or persons so excluded shall not thereafter be counted. A canvass shall then be made of the second choice votes received by the remaining candidates for said office; said second choice votes shall then be added to the first choice votes received by each remaining candidate for such office, and the candidate receiving the largest number of said first and second choice votes, if such votes constitute a majority of all ballots cast at such election, shall be elected thereto; and provided, further, that if no such candidate shall receive such a majority after adding the first and second choice votes, then and in that event, the name of the candidate then having the smallest number of first and second choice votes shall be excluded from the count, and no votes for such candidate so excluded shall thereafter be counted. A canvass shall then be made of the third choice votes received by the remaining candidates for such office; said third choice votes shall then be added to the first and second choice votes received by each remaining candidate for such office, and such remaining candidate receiving the highest number of first, second, and third choice votes shall be elected thereto. When the name of but one person remains as a candidate for any office, such per-

son shall be elected thereto regardless of the number of votes received.

A tie between two or more candidates is to be decided in favor of the one having the greatest number of first choice votes. If all are equal in that respect, then the greatest number of second choice votes determine the result. If this will not decide, then the tie shall be determined by lot, under the direction of the canvassing board.

Whenever the word "majority" is used in this section, it shall mean more than one-half of the total number of ballots cast at such election.

23. Informalities in Election.—No informalities in conducting municipal elections shall invalidate the same, if they have been conducted fairly and in substantial conformity with the requirements of this charter.

24. Use of Carriages on Day of Election.—No candidate for any elective office shall directly or indirectly use or cause to be used in aid of his candidacy on the day of any municipal election, more than one carriage or other vehicle to aid voters to get to the polling places. Such carriage or other vehicle shall be used to transport only those voters who by reason of illness or other infirmity are unable to go to the polling places unless so transported. Any candidate desiring to use the one carriage or other vehicle above mentioned shall, not less than one day prior to the day of election, file in the office of the clerk a statement of such desire on his part, which shall contain such a description of the carriage or vehicle he desires to use as will readily identify the same. No other carriage or vehicle than the one so described in the said statement shall be used by the said candidate, or by any committee or association promoting his candidacy for the purpose of conveying voters to the polling places on the day of election.

A violation of any of the provisions of this section by any candidate shall disqualify him from holding the office for which he is a candidate.

Every elective officer of the city shall, at the time he takes the oath of office, be required to take and subscribe an oath that he has not violated any of the provisions of this section.

25. General Election Regulations.—The provisions of any State law, now or hereafter in force, except as the council may otherwise by ordinance provide, relating to the qualifications and registration of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of elections, except as otherwise provided in this article, so far as they may be applicable, shall govern all municipal elections; provided, also, that the Council shall meet as a canvassing board and duly canvass the election returns within two days after any municipal election. Whenever any member of the council is a candidate for re-election, the council shall appoint some Justice of the Peace or Notary Public of said city to take the place of said candidate upon said canvassing board as a member thereof.

26. Voting Machines.—The city council may by ordinance authorize the use of voting machines, provided said machines are so constructed as

to carry out the provisions of this article in reference to Preferential Voting; provided, however, said ordinance may be adopted only upon vote of the qualified electors of the city.

ARTICLE III.

RECALL OF ELECTIVE OFFICERS.

27. Applies to All Elective Officers.—Any holder of an elective office may be recalled and removed therefrom by the qualified electors of the city as provided in this Article.

28. Petition for Recall.—Any qualified elector of the city may make and file with the city clerk an affidavit containing the name of the officer sought to be removed, and a specific statement of the grounds of removal. The Clerk shall thereupon deliver to the elector making such affidavit, a sufficient number of copies of petitions for such recall and removal, printed forms of which he shall keep on hand. Such petitions shall be issued by the clerk with his signature and official seal thereto attached; they shall be dated and addressed to the city council, shall contain the name of the person to whom issued, the number of forms so issued, the name of the person sought to be removed, the office from which such removal is sought, the grounds of such removal as stated in said affidavit, and shall demand the election of the successor to such office, a copy of which petition shall be entered in a record book to be kept in the office of said Clerk. Any defect in said form or record shall not invalidate the same. Said recall petition must be returned and filed with said Clerk within thirty days of its issuance. Said petitions before being returned and filed, shall be signed by qualified electors equal in number to at least twenty per centum of the last preceding vote cast for all the candidates for Governor of the State of Colorado by the electors of the city, and to each such signature shall be attached his place of residence, giving the street and number. Such signatures need not all be on one paper. One of the signers of each such paper shall make an affidavit thereto that the statements therein contained are true, and that each signature appended to the paper is the genuine signature of the person whose name it purports to be. All such papers for the recall of any one officer shall be fastened together and filed as one instrument, with the indorsements thereon of the names and addresses of three persons designated as filing the same.

29. Petition May Be Amended or New Petition Made.—Within ten days from the filing of said petition, the clerk shall ascertain by examination thereof and of the registration books and election returns, whether the petition is signed by the requisite number of qualified electors, and shall attach thereto his certificate showing the result of such examination. He shall, if necessary, be allowed extra help by the council.

If his certificate shows the petition to be insufficient, he shall within said ten days so notify in writing one or more of the persons designated on the petition as filing the same; and the petition may be amended at

any time within ten days from the filing of the certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and attach thereto his certificate of the result. If still insufficient, or if no amendment is made, he shall return the petition to one of the persons designated thereon as filing it, without prejudice, however, to the filing of a new petition for the same purpose.

30. Election Under Recall Petition, Unless Officer Resigns. If the petition or amended petition shall be found and certified by the Clerk to be sufficient, he shall submit the same with his certificate to the Council without delay, and the Council shall, if the officer sought to be removed does not resign within five days thereafter, thereupon order an election to be held on a Tuesday fixed by it, not less than thirty nor more than forty days from the date of the Clerk's certificate that a sufficient petition is filed; provided, however, that if any other municipal election is to occur within sixty days from the date of the Clerk's certificate, the Council may, in its discretion, postpone the holding of the removal election to the date of such other municipal election. If a vacancy occur in said office after a removal election has been so ordered, the election shall nevertheless proceed as in this Article provided.

31. Candidates—Election.—Any officer sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing, the Clerk shall place his name on the official ballot without nomination. The nomination of other candidates, the publication of notice of such removal election, and the conduct of the same, shall all be in accord with the provisions of Article II hereof, relating to elections.

32. Incumbent Removed.—The incumbent shall continue to perform the duties of his office until the removal election. If then elected, he shall continue in office for the balance of his term. If not then elected, he shall be deemed removed upon the qualification of his successor, who shall hold office during the unexpired term. If the successor fails to qualify within ten days after receiving notification of his election, the incumbent shall thereupon be deemed removed and the office vacant.

33. No Recall Petition for First Three Months.—No recall petition shall be filed against any officer until he has actually held his office for at least three months.

34. Incapacity of Recalled Officer.—No person who has been removed from an office by recall, or who has resigned from such office while recall proceedings were pending against him, shall be appointed to any office within one year after such removal by recall or resignation.

ARTICLE IV.

ELECTIVE OFFICERS.

35. Officers—Terms—Salaries.—The elective officers of this city shall consist of five commissioners: one of whom shall be the Commissioner of

Public Affairs and ex officio Mayor; one shall be the Commissioner of Finance and Supplies; one shall be the Commissioner of Highways; one shall be the Commissioner of Health and Civic Beauty; and one shall be the Commissioner of Water and Sewers; each of whom shall be elected at large by the qualified electors of the city, and each shall have charge of one department as indicated by his official title.

The terms of all elective officers shall commence at 10 o'clock A. M. on the first Tuesday following their election, and shall be for four years each, and until 10 o'clock A. M. on the first Tuesday following the election and qualification of their successors; provided, however, that the offices of the Commissioners of Finance and Supplies, of Highways, and of Health and Civic Beauty, first elected under this Charter, shall be for two years only, so that their successors shall be elected at the general municipal election in 1911, and every four years thereafter, and the election of the other two commissioners shall first be at the general municipal election in 1909, and every four years thereafter.

The Commissioners of Public Affairs and of Water and Sewers shall each receive a salary of One Hundred and Twenty-Five ($125.00) Dollars per month, payable monthly, and each of the other three commissioners shall receive a salary of One Hundred ($100.00) Dollars per month, payable monthly; provided, however, that at any general municipal election, the question of changing or fixing such salaries may be submitted to a vote of the qualified electors of the city.

36. No Further Compensation.—None of any such commissioners shall receive any further compensation for any service he may render the city during his term of office, other than his salary as commissioner; and all fees, salaries, or other moneys coming into his hands by virtue of his office shall be accounted for to the city.

37. Qualifications.—No person shall be eligible to the office of any such commissioner unless he is a qualified elector.

38.—Vacancies.—If a vacancy occur in the office of any such commissioner, the council shall appoint an eligible person to fill such vacancy until the next general or special municipal election, subject to the provisions of the recall, and any such vacancy shall then be filled by election for the unexpired term. A vacancy shall exist when an elective officer fails to qualify for ten days after notice of his election, dies, resigns, removes from the city, absents himself continuously therefrom for three months, is convicted of a felony, or judicially declared a lunatic.

ARTICLE V.

THE MAYOR.

39. Executive and President.—The Mayor shall be the chief executive officer of the city, and president of the council, and when present, shall preside at all meetings.

40. Duties—Authority—Powers—(a) He shall see that the laws of the State, the provisions of this Charter, and the ordinances of the city are duly enforced. He may remit fines, costs, forfeitures, and penalties, imposed for the violation of any ordinance, but shall make a report of such remission to the council at the next meeting thereafter with his reasons therefor. He shall have power to administer oaths.

(b) He shall sign all contracts, bonds, or other instruments requiring the assent of the city, and take care that the same are duly performed. All legal processes against the city shall be served against the Mayor or Acting Mayor.

(c) He shall be charged with the general oversight of all departments, boards and commissions of the city.

(d) He shall be ex officio a member of each board, commission, or body, created or authorized by this Charter, or by any ordinance of the city.

(e) He shall have the right to vote on all questions coming before the council.

(f) He shall have such other rights and powers as may be provided by ordinance not in conflict with this charter.

41. Acting Mayor and Vice President.—The Commissioner of Water and Sewers shall be Vice President of the council, and Acting Mayor of the city, and during the absence or inability of the Mayor to act, shall exercise all his rights and powers.

ARTICLE VI.

THE COUNCIL.

42. Legislative Powers.—The city council shall consist of all the elective officers of the city, and shall, except as otherwise provided by this charter be vested with all the legislative powers of the city.

43. Judge of Their Election.—The council shall be the judge of the election and qualification of its own members, subject to review by the Courts in case of contest.

44. Rules.—The council shall determine its own rules of procedure, may punish its members for disorderly conduct, and compel their attendance at the council meetings.

45. Meetings.—The council shall prescribe the time and place of its meetings, and the manner in which special meetings thereof may be called. The city clerk shall be the clerk of the council, and shall, with the mayor, sign and attest all ordinances and resolutions. A majority of all the members shall constitute a quorum to do business, but a less number may adjourn. The council shall sit with open doors at all legis-

lative sessions and shall keep a journal of its proceedings which shall be a public record.

46. Restrictions Upon Members.—No member of the council shall be elected or appointed to any office, position, or employment, the compensation of which was increased or fixed by the council while he was a member thereof until after the expiration of one year from the date when he ceased to be such a member.

47. Salaried Employes.—The city council shall have the power to authorize, by ordinance, the appointment of such salaried employes as may be necessary to relieve any commissioner of any duties of his department which he shall not have time to perform or which may conflict with his other duties.

48. Contractual Powers.—The city council shall have no power to make any contract of any kind or nature whatsoever, or to make any lease of city property, the operation of which will extend beyond the time of the installation of the new commissioners elected at any general municipal election; nor shall it have any power to sell, abandon, grant, or otherwise dispose of any title or right of the city to any real estate, franchise, right-of-way, street, avenue, alley, or other public property, all such powers being reserved to the people, and to be exercised only by the qualified voters at a general or special municipal election.

49. Intoxicating Liquors.—The sale, exposure for sale, barter, exchange, giving away, manufacture or storage of any spirituous, vinous, malt, fermented, distilled, alcoholic or other intoxicating liquors is hereby inhibited and forbidden within the limits of the city of Grand Junction, and within one mile of the outer boundaries thereof, and the city council shall have no power to license the manufacture or sale of any such liquors. Such giving away and such storage shall not apply to the giving away or storage of such liquors by a person in his private dwelling, provided, such dwelling is not a place of public resort.

It shall be a good defense in any prosecution under this section, or under any ordinance passed in pursuance thereof, to show that the sale in question was at retail, by a regularly licensed pharmacist, for exclusively known medicinal purposes, and that it was sold only in good faith upon written prescription issued, signed, and dated in good faith by a duly licensed physician in active practice in the city of Grand Junction, and that the prescription was used but once.

Each such pharmacist shall keep, in a conspicuous place on the counter, a bound book for public inspection, containing a memorandum entry of such prescription, with the name of the physician prescribing, the name of the person prescribed for, the date, and the number thereof, which entry shall be made and signed by said pharmacist before said prescription shall be filled.

The city council shall pass ordinances providing suitable penalties for a violation of this section, and to make it effective.

50. Ordinances and Resolutions.—(a) In legislative sessions, the council shall act by ordinance, resolution or motion.

(b) The ayes and nays shall be taken upon the passage of all ordinances and resolutions, and entered upon the journal of its proceedings. Upon the request of any member, the ayes and nays shall be taken and recorded upon any motion. Every member when present must vote, and every ordinance passed by the city council shall require on final passage the affirmative vote of a majority of all members of the council.

(c) No ordinance shall be passed finally on the date it is introduced, except in cases of special emergency, for the preservation of the public peace, health or safety, and then only by unanimous vote of all members of the council. No ordinance making a grant of any franchise or special privilege shall ever be passed as an emergency measure.

(d) The enacting clause of all ordinances passed by the council shall be in these words: "BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION."

51. Publication of Ordinances.—Every proposed ordinance shall be published once in full in a daily newspaper of the city, at least ten days before its final passage. After such final passage, it shall be again published once in a daily newspaper as amended and completed, except in cases of an emergency ordinance, which may be passed as heretofore provided, and which shall take effect upon passage, and be so published on the following day.

52. Amendment or Repeal.—No ordinance or section thereof shall be amended or repealed except by an ordinance regularly adopted.

53. Ordinances Granting Franchises.—No proposed ordinance granting any franchise shall be put upon its final passage within sixty days after its introduction, nor until it has been published not less than once a week for six consecutive weeks in two daily newspapers of the city in general circulation.

54. Record of Ordinances.—A true copy of every ordinance when adopted shall be numbered and recorded in a book marked "Ordinance Record," and a certificate of adoption and publication shall be authenticated by the certificate of the publisher and by the signatures of the mayor and clerk. The ordinances adopted by the vote of the qualified electors of the city shall be separately numbered and recorded, commencing with "People's Ordinance, No. 1."

55. Proof of Charter and Ordinances.—This charter or any ordinance may be proved by a copy thereof, certified to by the city clerk under seal of the city; or when printed in book or pamphlet form, and purporting to be printed by authority of the city, the same shall be received in evidence in all Courts without further proof.

ARTICLE VII.

EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS.

56. Five Departments.—The executive and administrative powers, authority and duties of the city, not otherwise herein provided for, shall be distributed among five departments as follows:

I. Public Affairs.
II. Finance and Supplies.
III. Highways.
IV. Health and Civic Beauty.
V. Water and Sewers.

57. Public Affairs.—The Commissioner of Public Affairs shall be ex officio mayor, and the chief executive officer of the city. He shall, unless otherwise provided by ordinance, be the judge of the municipal court of the city; he shall be the head of the police and fire departments, and shall supervise all public utilities not owned and managed directly by the city; he shall have charge of any building, electric wiring, lighting and heating inspection, and shall have general supervision of all public affairs not otherwise provided for.

58. Finance and Supplies.—The Commissioner of Finance and Supplies shall be ex officio city treasurer, and shall be the purchasing agent of all supplies for all departments of the city. He shall also be the city collector, and as such, it shall be his duty to collect all water rents, license fees, money of the city in the hands of the county treasurer, or other moneys due the city.

59. Highways.—The Commissioner of Highways shall be the street commissioner, and shall have supervision of all streets, alleys, avenues, sidewalks, ditches and the water flowing therethrough, public improvements, street paving, sidewalk construction, gutters, curbing, public buildings, real and personal property owned, leased by, or controlled by the city, and not in charge of any other department.

60. Health and Civic Beauty.—The Commissioner of Health and Civic Beauty shall be ex officio city clerk, and as such, keep all the records of the city council and perform all other duties required of such clerk. He shall be ex officio city auditor, and shall audit all bills payable by the city prior to their being allowed by the city council. He shall be the health and sanitary commissioner, see that all health ordinances are enforced, and shall also have supervision of the plumbing inspection, and the inspection of foods and milk offered for sale in the city. He shall also be the inspector of weights and measures.

He shall be the commissioner of Civic Beauty, shall have general supervision of all parks, parking, and shade trees of the city, and shall have full power to manage, improve, maintain, and beautify the same; he shall supervise the architectural beauty of the city and make recommendations as to the suitable color, style and character of buildings, pavings, side-

walks, and other improvements as to him may seem advisable, to the end of improving the city's appearance and beauty.

61. Water and Sewers.—The Commissioner of Water and Sewers shall be ex officio water commissioner, and shall take direct and active charge of the city's entire water and sewer system, both within and without the city, supervise and keep the same in good working order. He shall take charge of all construction work for the water system, shall be the inspector of all water pipes, fixtures, fountains, fire plugs, connections, and all other water apparatus through which the city water may flow, see that the same is kept in good repair, and shall also have charge of all sewers and see that they are kept in good repair and properly flushed.

62. Other Powers and Duties.—Said commissioners shall have such other rights, powers, and duties as may be provided by ordinance, not in conflict with the provisions of this Charter.

63. Office Hours.—It shall be the duty of each commissioner to maintain regular office hours at the city hall, and he shall give his whole time and attention to, and engage in the actual work of the city affairs during business hours. At all times when not engaged in office work, he shall take the active management and control as foreman and director of the affairs of his department, and shall be responsible for the full and complete discharge thereof.

64. Hours and Wages.—Eight hours shall constitute a day's work in all city employment, and the minimum rate of wages shall be two dollars and fifty cents per day for all day laborers, unless otherwise determined by the city council; provided, however, that this section shall not apply to any work in paving the streets of the city or in building an extension of the city waterworks or sewer system.

65. Department Employes.—Each department shall be entitled to such salaried employes as may be authorized by ordinance. The head of each department shall nominate all such employes therein but their appointments shall be made by the city council. Each commissioner shall have the power of selecting and employing the day laborers necessary for his department. Any and all employes in any department shall be subject to discharge by the commissioner at the head of that department at any time, except as otherwise provided by this Charter. The city council shall determine the number of such employes in any department and shall also have like power of discharging them, or any of them, or may require any employe in any department to perform duties in two or more departments, or may make such rules and regulations as they shall deem necessary or proper for the efficient and economical conduct of the business of the city. The salary or wages of any employe of the city shall cease immediately upon his discharge from such employment.

66. Publicity Records and Reports.—Each of said commissioners shall keep a record book in which shall be recorded a brief but comprehensive

record of all department affairs under his charge as soon as performed and shall quarterly render to the city council a full report of all operations of such department, and shall annually, and oftener if required by the city council, make a synopsis thereof for publication. All such records shall be kept open for public inspection. The council shall provide for the publication of such annual or other reports, and of such portion of the quarterly reports, as to it may seem advisable. Each commissioner shall also make and keep a complete inventory and permanent record of all the personal property of his department and what disposition, if any, has been made of the same.

67. Newspaper and Publication Fees.—All election notices, or list of candidates for office, department reports, ordinances, charters, or charter amendments, advertising, publicity affairs, or other publications required or authorized by this Charter, by general law, or by any ordinance of the city to be made in any newspaper and all such publications for which the city of Grand Junction may be liable, shall be paid for by the city at such rates as shall not, in any event, exceed the ordinary and regular advertising rates charged other advertisers; and all printing of books, pamphlets, bills, letterheads, or other documents or printed matter required by the city shall be paid for at a price not exceeding the usual business rates therefor. No bill shall be rendered to, or paid by the city for such advertising or printing in excess of the said usual business rates, even though higher rates may be fixed by general law for other cities of the State.

ARTICLE VIII.

DEPARTMENT OF PUBLIC AFFAIRS.

68. Police and Fire Departments.—The council shall, by ordinance, provide for the establishment and maintenance of a police department and of a fire department, consisting of such employes as it may deem necessary.

69. Commissioner to Have Supervision.—The Commissioner of Public Affairs shall have supervision and control of the police and fire departments except as otherwise provided in this Charter or by ordinance.

MUNICIPAL COURT.

70. Judge and Jurisdiction.—The Judge of the Municipal Court of the city shall have all the jurisdiction, powers, duties, and limitations of a police magistrate as provided in Sections 4931 to 4945, inclusive, of the Revised Statutes of Colorado, 1908, except as otherwise provided by this Charter. The mayor of the city shall be the judge of such Municipal Court unless otherwise provided by ordinance, and shall have exclusive original jurisdiction to hear, try, and determine all charges of misdemeanor as declared by this charter, and all causes arising under this charter or any of the ordinances of the city for a violation thereof. There

shall be no trial by jury, and there shall be no change of venue from said Court.

ARTICLE IX.

DEPARTMENT OF FINANCE AND SUPPLIES.

71. Fiscal Year Same as Calendar Year.—The fiscal year of the city shall commence on the first day of January and end on the last day of December of each year.

72. Public Moneys.—The Commissioner of Finance and Supplies shall, under the power and control of the city council, have the direct management of the revenues of the city except as otherwise provided by this charter, or by ordinance. He shall be ex officio city treasurer, with the usual duties and powers of that office.

The cash balances of the city in the hands of the city treasurer for deposit in the banks, shall be kept on deposit in each of the banks of the city without discrimination, in proportion to their capital stock as far as possible. Nothing herein shall prevent said treasurer from temporarily having such funds otherwise deposited, provided, that as soon as practicable, he shall re-deposit such deposits. Before making such deposits, however, said treasurer shall require a good and sufficient surety bond from each bank to receive such deposit.

No demand for money against the city shall be approved, allowed, audited or paid unless it shall be in writing, dated, and sufficiently itemized to identify the expenditure and shall first be audited by the Commissioner at the head of the department creating the same.

The council shall, by ordinance, provide a system for the collection, custody, and disbursement of all public moneys, and a system of accounting for the city, establishing as nearly as may be, a uniform system of municipal accounting, such system to be in accord with the provisions of this charter.

73. Duties of Purchasing Agent.—The Commissioner of Finance and Supplies shall procure all supplies ordered by the city council in such manner as it may direct. He shall also procure supplies for any commissioner upon requisition therefor. Such requisition shall be in writing, shall state the quality, quantity, and kind of material required, whether urgency demands that the order be made by wire, whether the supplies should come by express or otherwise, and the probable cost thereof, in detail, if known. In case of emergency, where the estimated cost exceeds Two Hundred ($200) Dollars, such requisition shall have the indorsement of one other commissioner. If no emergency exists, a requisition for supplies, the estimated cost of which is above One Hundred ($100.00) Dollars, shall first be approved by the council. Whenever he considers it practical and advantageous, the purchasing agent shall advertise for competitive proposals for any supplies in a public newspaper, or by circular letters, or other means, sent to several competitive dealers. All such

requisitions, correspondence, and competitive bids received shall be kept on file in the office of the Commissioner of Supplies.

74. Special Revenues Limited.—No occupation or license tax shall be assessed, levied, or collected against any merchant or manufacturer for the sale or manufacture of goods, wares or merchandise, who pays an annual tax thereon under the revenue laws of the State; nor against persons who sell commodities manufactured or raised by themselves in this State; nor against any person selling fruits and vegetables. No poll tax shall ever be levied or collected by the city for any purpose whatsoever.

75. Adoption of Existing Law.—Until the council shall otherwise by ordinance provide, the statutes of the State of Colorado now or hereafter in force, shall govern the making of assessments by the Assessor of the County in which the city is situated, the making of equalization by the Board of County Commissioners of said County, and the collection of taxes by the Treasurer of said County for and on behalf of the city, and also the certification and collection of all delinquent charges, assessments or taxes.

76. Certificate of Assessment.—It shall be the duty of the Commissioner of Finance and Supplies to procure, as soon as available each year, a certificate from the County Assessor of the total amount of property assessed for taxation within the limits of the city, as shown by the assessment roll in the Assessor's office.

77. Department Estimates of Annual Requirements.—On or before the first Monday in October each year, or on such date as shall be fixed by the council, the heads of the departments, offices, boards, and commissions, shall send to the Commissioner of Finance and Supplies, a careful estimate in writing of the amounts, specifying in detail the objects thereof, required for the business and proper conduct of their respective departments, offices, boards and commissions during the next ensuing fiscal year.

78. Annual General City Estimate.—On or before the third Monday in October each year, or on such date as shall be fixed by the council, the Commissioner of Finance and Supplies shall submit to the council an estimate of the probable expenditure of the city government for the next ensuing fiscal year, stating the amount required to meet the interest and maturing bonds of the outstanding indebtedness of the city, and the warrants of all the departments of the municipal government in detail, and showing specifically the amount necessary to be provided for each fund and department; also an estimate of the amount of income from fines, licenses, water rents, and all other sources of revenue, exclusive of taxes upon property, and the probable amount required to be levied and raised by taxation to defray all expenses and liabilities of the city.

79. Annual Budget.—The council shall meet annually, prior to fixing the tax levy, and make a budget of the estimated amounts required to pay the expenses of conducting the business of the city government for the

next ensuing fiscal year. The budget shall be prepared in such detail as to the aggregate sum and the items thereof allowed to each department, office, board or commission as the council may deem advisable.

80. Annual Appropriation.—Upon said budget as adopted and filed, the council shall pass an ordinance, not later than the thirty-first day of December, in each year, which shall be entitled "The Annual Appropriation Ordinance", in which it shall appropriate such sums of money as it may deem necessary to defray all expenses and liabilities of the city, and in such ordinance shall specify the objects and purposes for which such appropriations are made, and the amount appropriated for each object and purpose therein named for the ensuing fiscal year.

81. Levy.—Such ordinance shall include the proper levy in mills upon each dollar of the assessed valuation of all taxable property within the city, such levy representing the amount of taxes for city purposes necessary to provide for payment during the ensuing fiscal year of all properly authorized demands upon the treasurer, and the council shall thereupon cause the total levy to be certified by the city clerk to the County Assessor, who shall extend the same upon the tax list of the current year in a separate column entitled: "THE CITY OF GRAND JUNCTION TAXES", and shall include said city taxes in his general warrant to the County vided, then the rate last fixed shall be the rate fixed for the ensuing fiscal year.

The amount required to make payment of any interest, or principal of bonded indebtedness, shall always be included in and met by tax levy except as otherwise provided in this charter.

Treasurer for collection, as provided by law.

If the council fails in any year to make said tax levy as above pro-

82. No Liability Without Appropriation.—Except as herein otherwise specially provided, the city expenditures in any one year shall not be increased over and above the amount provided in the annual appropriation ordinance for that year, and no contract involving the expenditure, and no expenditure for any improvement to be paid out of the general or special funds of the city or for defraying the expenses and liabilities of the city shall exceed, in any one year, the amount provided in the annual appropriation ordinance to be paid out of the said general and special funds so appropriated and set apart, but the said several funds shall be maintained for, used and devoted to the particular purposes specified in the annual appropriation ordinance.

It shall not be lawful for any department or officer of the city to incur or contract any expense or liability for or on behalf of the city unless such an appropriation shall have been made concerning such expense. Such contract shall be ab initio null and void as to the city for any other or further liability; provided, first, that nothing herein contained shall prevent the council from providing by ordinance for payment of any expense, the necessity of which is caused by any casualty, accident or unforeseen contingency arising after the passage of the annual appropria-

tion ordinance; and, second, that the provisions of this section shall not apply to or limit the authority conferred in relation to bonded indebtedness, nor for moneys to be collected by special assessments for local improvements.

83. Special Appropriations for 1909 and 1910.—The council shall during the year 1909, pass such special appropriation ordinances as may be necessary to pay the salaries and defray the expenses of any and all departments, officers and employes of the city for the years 1909 and 1910, but not thereafter; and the warrants for the payment of such salaries and expenses after being duly allowed and audited, may be drawn against such appropriation, and the amount so required for the payment of such warrants, or so much thereof as may be necessary, shall be payable out of any available moneys not otherwise appropriated, or failing such moneys, the warrants shall be registered and payable out of the revenue for the next ensuing fiscal year, which shall be sufficient to pay the same.

84. Collection of Taxes.—Until the council shall otherwise by ordinance provide, the county treasurer shall collect city taxes in the same manner and at the same time as State taxes are collected, and all laws of this State for the assessment of property and the levy and collection of general taxes, including laws for the sale of property for taxes, and the redemption of the same, shall apply and have as full effect in respect of taxes for the city as of such general taxes, except as modified by this charter.

On or before the fifth day of every month, the county treasurer shall report and pay to the city treasurer the amount of tax collections of the city for the preceding month.

85. City Indebtedness.—The indebtedness of the city shall be incurred and limited as provided in Article XI of the constitution of the State of Colorado.

86. Special Statutes Continued in Force.—The provisions of Sections 6657 and 6658 of the Revised Statutes of Colorado, 1908, relating to sidewalks, and of Sections 6687 to 6694 thereof inclusive, relating to refunding bonds, are hereby made and declared to be in full force and effect in the city until otherwise provided by ordinance.

ARTICLE X.

DEPARTMENT OF HIGHWAYS.

87. No Paving Contracts.—Whenever any streets, avenues, or alleys are to be paved by the city, such work shall be done by the Commissioner of Highways, who shall procure the material though the Commissioner of Supplies, and shall employ the necessary labor. In no event shall such work be let out on contract.

ARTICLE XI.

DEPARTMENT OF HEALTH AND CIVIC BEAUTY.

88. Assistants and Employes. The city council shall appoint a health

officer, and may appoint a plumbing inspector, and all such assistants and employes as are necessary to the efficient administration of this department.

89. **Qualifications of Health Officer.**—The health officer shall be a graduate of a reputable medical college, and shall have practiced medicine and been a resident of this city for at least two years next preceding his appointment. He shall be licensed to practice medicine in this State; and shall have his license recorded with the County Clerk and Recorder of Mesa County in accordance with the laws of the State regulating the practice of medicine. Such health officer shall devote such time as is necessary to the duties of his office.

90. **Power of Arrest.**—The Commissioner of Health and Civic Beauty, and all salaried employes of the department of health, shall have the right and power to arrest any person or persons who may violate any of the rules or regulations of the department.

91. **Qualification of Employes.**—The plumbing inspector and other employes shall be persons properly skilled and qualified for the efficient and capable performance of their respective duties.

92. **Regulations.**—The council shall make all ordinances and regulations which may be necessary or expedient for the preservation of the public health and the suppression of disease.

ARTICLE XII.

DEPARTMENT OF WATER AND SEWERS.

93. **Department an Entity.**—The Department of Water and Sewers shall embrace all property rights and obligations of the city in respect to water, water works, and sewers, and shall, as far as practicable, be administered as an entity. All contracts, records, and muniments of title pertaining thereto shall be assembled and carefully preserved, and accounts shall be kept of its assets, liabilities, receipts, and disbursements, separate and distinct from the accounts of any other department.

94. **Commissioner Administer Department.**—The Commissioner of Water and Sewers is charged with the administration of said department, and with the supply of water to consumers. He shall appoint all such officers, assistants, and skilled employes as may be necessary, and may secure the services or advice of hydraulic engineers, special counsel, and other experts for such compensation as may be approved by the council. He shall preserve the water supply of the city from impairment and pollution, and secure at all times a supply of potable water adequate for the growing needs of the city. He shall cause comparative investigation to be made of all available reservoir sites, springs, and sources of such water supply, and report thereon to the council with his recommendations. He shall prepare and submit to the council measures for the storage and

augmenting of the water supply, and cause adequate water measurements and tests to be made and the record thereof preserved.

95. Duties of Commissioner.—He shall keep such books of account as are required by Article XIV of this charter, make an annual full detailed report of all the assets and liabilities, receipts and expenditures of his department, including cost of maintenance, extension, and improvements; and he shall annually estimate the difference in cost between municipal and private ownership of city water works. He shall take charge of all construction work of the water and sewer systems, and keep the said systems in good repair and working order at all times. He shall not let the work for any extension or new construction on contract, but the same shall be done directly by the city, procuring the necessary labor and material. The character of any extensions to be undertaken and the extent thereof shall be determined by the city council.

96. Rates—Regulations—Fines.—The city council shall by ordinance fix rates, establish regulations for the use of water by consumers, provide for the orderly administration of the department, and impose fines and penalties for the violation thereof. Such ordinance shall establish a uniform system of rates for the use of water by consumers, from which rates there shall be no rebates or reductions, it being the intent hereof to prevent any consumers of water from having any advantage or favor over other consumers, by contract or otherwise, except as herein provided.

Whenever the revenue from the water works system shall produce a surplus over and above the cost of maintenance, and interest on the cost of construction, it shall be the duty of the city council to reduce the rates to consumers so that, as far as practicable, the people may receive the benefits of this department at not more than actual cost.

All consumers of water living outside of the city limits shall pay not less than double the rates so established and fixed for users within the city limits.

ARTICLE XIII.

OFFICERS AND EMPLOYES.

97. Officers—Employes.—The elective officers shall be the only officers of the city. All other persons in the service of the city, or any commission, or board thereof, are hereby declared to be employes, and subject to removal by the council at any time, at its pleasure, and without cause except as otherwise provided by this charter. The powers, duties, and compensation of all salaried employes shall be fixed by ordinance.

98. City Attorney.—The city attorney shall be appointed by the council, and shall be the legal adviser of the mayor, council, commissioners, and departments, and shall conduct all cases in court wherein the city shall be a party, plaintiff or defendant, or a party in interest; and shall perform such other duties as are required by ordinance.

99. Oath of Office.—Every officer or salaried employe shall, before he enters upon the duties of his office, take, subscribe, and file with the clerk

an oath or affirmation to support the constitution of the United States, the constitution of the State of Colorado, and the charter and ordinances of the city of Grand Junction, and faithfully to perform the duties of the position upon which he is about to enter.

100. Bonds. – Any officer or employe required to give bond, shall not be qualified for his office or employment until such bond has been duly approved, by the council, and filed with the clerk who shall have custody thereof.

101. No Extra Compensation.—No officer or employe shall solicit or receive any pay, commission, money, or thing of value, or derive any benefit, profit or advantage, directly or indirectly, from or by reason of any dealings with, or service for the city, by himself or by others, or from or by reason of any improvements, alterations, or repairs required by authority of the city except his lawful compensation or salary as such officer or employe. No officer or salaried employe of the city shall, except as otherwise provided by this charter, accept, directly or indirectly, from any railroad, telegraph, or telephone company, or from any owner of any public utility franchise in the city, any pass, frank, free ticket, free service or other service upon terms more favorable than those granted to the public generally. Any violation of this section shall be a misdemeanor.

102. Opinions Not Affect Appointments.—No appointment to any position under the city government shall be made or withheld by reason of any religious or political opinions, or affiliations, or political service; and no appointment or election to, or removal from, any office or employment, and no transfer, promotion, reduction, reward or punishment shall be in any manner affected or made by reason of such opinions, affiliations, or service.

103. Official Books and Documents.—(a) All books, records, and papers of each office, department, board or commissioner, are city property and must be kept as such by the proper official or employe during his continuance in office, and delivered to his successor, who shall give duplicate receipts therefor, one of which shall be filed with the city clerk. The failure to so deliver such books, records, and papers, shall be a misdemeanor.

(b) Certified copies or extracts from the books, records, and files shall be given by the officer, board, commission or employe having the same in custody to any person demanding the same, and paying for such copy, or extract; but the records of the police department shall not be subject to inspection or copy without the permission of the mayor.

(c) All equipment, collections, models, materials, construction tools and implements, which are collected, maintained, used, or kept by the city, or by any department, board or commission, shall be city property, and be turned over by the custodian thereof to his successor, or duly accounted for.

104. Payment of Debts.—Failure of any employe to promptly pay any legal indebtedness contracted by him while in the service of the city shall be ground for his removal from such employment.

ARTICLE XIV.

FRANCHISES AND PUBLIC UTILITIES.

105. Franchise Granted Upon Vote.—No franchise relating to any street, alley, or public place of the said city shall be granted except upon the vote of the qualified taxpaying electors, and the question of its being granted shall be submitted to such vote upon deposit with the treasurer of the expense (to be determined by said treasurer) of such submission by the applicant for said franchise, and no such franchise shall be granted unless a majority of such electors voting thereon vote in favor thereof.

106. Contracts for Service.—All contracts for service between the city and the owner or manager of any such franchise, shall be made by ordinance, the terms of which shall be agreed to in writing by said owner or manager prior to the passage of such ordinance. No contract for service shall be made by the city for a longer period than two years unless such contract be submitted to a vote of the qualified electors of the city, and approved by a majority of those voting on said question.

107. Franchise Specify Streets.—All franchises or privileges hereafter granted for laying tracks or pipes, or supplying heat, light, or power, shall plainly specify on what particular streets, alleys, avenues, or other public property, the same shall apply; and any other franchise shall state the bounds of the district or districts in which it shall be exercised; and no franchise or privilege shall hereafter be granted by the city in general terms or to apply to the city generally.

108. Power to Regulate Rates and Fares.—All power to regulate the rates, fares, rentals and charges for service by public utility corporations is hereby reserved to the people to be exercised by them by ordinance of the council, or in the manner herein provided for initiating or referring an ordinance. Any right of regulation shall further include the right to require uniform, convenient, and adequate service to the public and reasonable extensions of such service and of such public utility works. The granting of a franchise shall not be deemed to confer any right to include in the charge for service any return upon the value of the franchise or grant itself.

109. Ordinance in Plain Terms.—No franchise, right, privilege, or license shall be considered as granted by any ordinance except when granted therein in plain and unambiguous terms, and any and every ambiguity therein shall be construed in favor of the city and against the claimant under said ordinance.

110. Issuance of Stock.—Every ordinance granting any franchise shall prohibit the issuing of any stock on account thereof by any corporation holding or doing business thereunder.

111. License Tax.—The city shall have the right to license or tax street cars, telephones, gas meters, electric meters, water meters, or

any other similar device for measuring service; also telephone, telegraph, electric light, and power poles, subways and wires. The said license or tax shall be exclusive of and in addition to all other lawful taxes upon the property of the holder thereof.

112. Special Privileges on Street Railroad.—The grant of every franchise for a street, suburban, or interurban railroad shall provide that all United States mail carriers and all policemen and firemen of the city in uniform, and all elective officers, shall at all times, while in the actual discharge of their duties, be allowed to ride on the cars of such railroad within the boundaries of the city without paying therefor, and with all the rights of other passengers.

113. Railroad Elevate or Lower Tracks.—The council shall, by ordinance, require under proper penalties, any railroad company, whether steam or electric, to elevate or lower any of its tracks running over, along, or across any of the streets or alleys of the city, whenever in the opinion of the council the public safety or convenience requires.

114. Street Sprinkling, Cleaning and Paving.—Every grant of any franchise or privilege in, over, under or along any of the streets, highways or public places in the city for railway purposes, shall be subject to the conditions that the person, firm or corporation exercising or enjoying the same shall, unless otherwise provided by ordinance, sprinkle, clean, keep in repair, and pave and repave so much of said street, highway or other public place as may be occupied by said railway as lies between the rails of each railway track, and between the lines of double track, and for a space of two feet outside of said track.

115. Franchise Provide for Safety, Etc.—The grant of every franchise or privilege shall be subject to the right of the city, whether in terms reserved or not, to make any regulations for the safety, welfare, and accommodation of the public, including among other things, the right to require proper and adequate extensions of the service of such grant, the right to require any or all wires, cables, conduits, and other like appliances, to be placed under ground, and the right to protect the public from danger or inconvenience in the operation of any work or business authorized by the grant of the franchise.

116. Oversight of Water Reserved to City.—Every franchise, right or privilege which has been, or which may hereafter be granted, conveying any right, permission or privilege to the use of the water belonging to the city, or to its water system, shall always be subject to the most comprehensive oversight, management, and control in every particular by the city; and such control is retained by the city in order that nothing shall ever be done by any grantee or assignee of any such franchise, right or privilege which shall in any way interfere with the successful operation of the water works of the city, or which shall divert, impair, or render the same inadequate for the complete performance of the trust for the people under which such water works are held by the city, or which shall tend so to do.

117. No Exclusive Franchise—Renewal.—No exclusive franchise shall ever be granted, and no franchise shall be renewed before one year prior to its expiration.

118. No Franchise Leased Except.—No franchise granted by the city shall ever be leased, assigned, or otherwise alienated without the express consent of the city, and no dealing with the lessee or assignee on the part of the city to require the performance of any act or payment of any compensation by the lessee or assignee, shall be deemed to operate as such consent. Any assignment or sale of such franchise to any foreign corporation, shall operate as a forfeiture to the city of such franchise.

119. Amendment, Renewal, Extension or Enlargement of Franchise.—No amendment, renewal, extension, or enlargement of any franchise, or grant of rights or powers previously or heretofore granted to any corporation, person, or association of persons, shall be made except in the manner and subject to all the conditions provided in this article for the making of original grants and franchises. The city shall require as a condition of any amendment, alteration, or enlargement of a franchise or grant, unless otherwise expressly determined by a majority vote of the qualified electors of the city, that the person, association, or corporation owning the original franchise or grant, shall, as a prior condition to, and in consideration for such amendment, alteration, or enlargement, covenant and agree, as a part thereof, that such original franchise shall be brought within all the conditions provided in this article for the exercise and enjoyment of franchises hereafter granted, including the right of the city to purchase the plant and physical property, whether within or without the city limits, or both, at a fair valuation, which valuation shall not include any franchise value, or any earning power of such property.

120. Provision for Common Use of Tracks, Poles, Etc.—The city may, by ordinance, require any person or corporation holding a franchise from the city for any public utility, to allow the use of any of its poles, tracks, wires, conduits, or electric current by any other person or corporation to which the city shall grant a franchise, upon the payment of a reasonable rental therefor; and any franchise or right which may hereafter be granted to any person or corporation to operate a street railway, or other public service, within the city or its suburbs, shall be subject to the condition that the city shall have the right to grant to any other person or corporation desiring to build or operate a street railway, interurban railway, or other public service, within or into the city, the right to operate its cars over the tracks of said street railway, or to utilize its poles, wires, conduits, or electric current, in so far as may be necessary to enter the city and to reach any section thereof; provided, that the person or corporation desiring to operate its cars over the lines of said street railway, or to use such other public service, shall first agree in writing with the owner thereof to pay it a reasonable compensation for such operation or use. And if the person or corporation desiring to use the same cannot agree with said owner as to said compensation, within sixty days from

offering in writing so to do, and as to terms and conditions for such use, then the council shall, by resolution, after a fair hearing to the parties concerned, fix the terms and conditions of such use and compensation to be paid therefor, which award of the council when so made, shall be final and binding on the parties concerned.

121. City Maintain General Supervision—Reports—Inspection.—The city shall maintain general supervision and police control over all public utility companies in so far as they are subject to municipal control. It shall cause to be instituted such actions or proceedings as may be necessary to prosecute public utility companies for violations of law.

It shall require every person or corporation operating under a franchise or grant from the city, to submit to the council within sixty days after the first day of January of each year, an annual report verified by the oath of the president, the treasurer, or the general manager thereof.

Such reports shall be in the form, contain such detailed information, and cover the period prescribed by the council, or by ordinance; and the council shall have the power, either through its members or by experts or employes duly authorized by it, to examine the books and affairs of any such person, persons or corporation, and to compel the production before them of books and papers pertaining to such report or other matters.

Any such person, persons, or corporation which shall fail to make any such report, shall be liable to a penalty of one hundred dollars and an additional penalty of one hundred dollars for each and every day thereafter, during which he shall fail to file such report, to be sued for and recovered in any court of record having jurisdiction.

The mayor shall, either personally or through the city's inspectors or employes duly authorized by the council, enter into or upon and inspect the buildings, plants, power houses, and all properties of any such person, persons, or corporation, and shall inspect the same at least once a year, and shall immediately thereafter report to the council a detailed and complete statement of such inspection.

122. Books of Record and Reference.—The mayor shall provide and cause to be kept in his office the following books of record and reference:

First.—A franchise record, indexed, and of proper form in which shall be transcribed accurate and correct copies of all franchises or grants by the city to any person, persons, or corporation owning or operating any public utility. The index of said record shall give the name of the grantee and thereafter the name of any assignee thereof. Said record shall be a complete history of all franchises granted by the city and shall include a comprehensive and convenient reference to actions, contests, or proceedings at law, if any, affecting the same.

Second.—A public utility record, of every person, persons, or corporation owning or operating any public utility under any franchise granted by the city, into which shall be transcribed accurate and correct copies of each and every franchise granted by the city to said person, persons, or corporation, or which may be controlled or acquired by them or it, together with copies of all annual reports and inspection reports, as herein

provided, and such other matters of information and public interest as the mayor may, from time to time, acquire. In case annual reports are not filed and inspections are not made, as provided, the mayor shall record such fact in the public utility record, and in writing, report the same to the council. All such annual reports, or a synopsis thereof, shall be published once in two daily newspapers of general circulation, published in the city, or printed and distributed in pamphlet form, as the council may determine.

The provisions of this section shall apply to all persons or corporations operating under any franchise now in force or hereafter granted by the city.

123. Books of Account—Examination.—The city, when owning any public utility, shall keep the books of accounts for such public utility distinct from other city accounts, and in such a manner as to show the true and complete financial result of such city ownership, or ownership and operation, as the case may be. Such accounts shall be so kept as to show the actual cost to the city of the public utility owned; all cost of maintenance, extension and improvement, all operating expenses of every description, in case of such city operation; if water or other service shall be furnished for the use of any department of the city without charge, the accounts shall show, as nearly as possible, the value of such service; such accounts shall also show reasonable allowance for interest, depreciation, and insurance, and also estimates of the amount of taxes that would be chargeable against such property if owned by a private corporation. The council shall cause to be printed annually for distribution, a report showing the financial results, in form as aforesaid, of such city ownership, or ownership and operation. The accounts of such public utility, kept as aforesaid, shall be examined at least once a year by an expert accountant, who shall report to the council the result of his examination. Such expert accountant shall be selected in such manner as the council may direct, and he shall receive for his services such compensation, to be paid out of the income or revenues from such public utility, as the council may prescribe.

124. Term Not Longer Than Twenty-Five Years—Compensation.—No franchise, lease or right to use the streets or the public places, or property of the city, shall be granted by the city, except as in this charter provided, for a longer period than twenty-five years. Every grant of a franchise shall fix the amount and manner of the payment of the compensation to be paid by the grantee, for the use of the same, and no other compensation of any kind shall be exacted for such use during the life of the franchise, but this provision shall not exempt the grantee from any lawful taxation upon his or its property, nor from any licenses, charges, or impositions not levied on account of such use.

125. City May Purchase, Operate or Sell—Procedure.—(a) Every grant, extension, or renewal of a franchise or right shall provide that the city may upon the payment therefor of its fair valuation, purchase, and

take over the property and plant of the grantee in whole or in part; such valuation shall be made as provided in the grant, but shall not include any value of the franchise or right of way through the streets, or any earning power of such property. The valuation may include, as part of the cost of the plant, interest on actual investment during the period of construction, and prior to operation. Such grant may provide that if the purchase is made within five years of the time when the franchise is granted, the city shall pay an additional sum or bonus of not to exceed ten per centum (10%) on the actual value of the tangible property, exclusive of the franchise value, which additional sum or bonus shall be reduced proportionately from such five year period to the end of the franchise period when no bonus shall be given.

The procedure to effect such purchase shall be as follows:

When the council shall, by resolution, direct that the mayor shall ascertain whether any such property or part thereof, should be acquired by the city, or in the absence of such action of the council, when a petition subscribed by qualified electors of the city, equal in number to at least ten per centum (10%) of the last preceding vote cast in the city for all candidates for Governor of the State of Colorado, requesting that the mayor shall ascertain whether any such property or part thereof, should be acquired by the city, shall be filed with the clerk, the mayor shall forthwith carefully investigate said property and report to the council—

(1) At what probable cost said property may be acquired;

(2) What, if any, probable additional outlays would be necessary to operate the same;

(3) Whether, if acquired, it could be operated by the city at a profit or advantage in quality or cost of service, stating wherein such profit or advantage consists;

(4) Whether, if acquired, it could be paid for out of its net earnings, and if so, within what time; and

(5) Such other information touching the same as he shall have acquired.

Such report shall be made in writing, shall include a statement of facts in relation thereto with such particularity as will enable the council to judge of the correctness of his findings, and immediately after submission to the council, shall be filed with the city clerk, recorded in the public utility record, and published once in each of two daily newspapers of general circulation published in the city, or printed and distributed in pamphlet form, as the council may determine.

If a petition subscribed by qualified electors of the city, equal in number to at least ten per centum (10%) of the last preceding vote cast in the city for all candidates for Governor of the State of Colorado, requesting that the question whether or not the city shall acquire said property, shall be submitted to a vote of the people, shall within sixty days after the filing of said report be filed with the clerk, the council shall provide by ordinance for the submission of the question to a vote of the qualified electors.

(b) Every grant reserving to the city the right to acquire the plant

as well as the property, if any, of the grantee situated in, on, above, or under the public places of the city, or elsewhere, used in connection therewith, shall in terms specify the method of arriving at the valuation therein provided for, and shall further provide that upon the payment by the city of such valuation, the plant and property so valued, purchased and paid for, shall become the property of the city by virtue of the grant and payment thereunder, and without the execution of any instrument of conveyance; and every such grant shall make adequate provision by way of forfeiture of the grant, or otherwise, for the effectual securing of efficient service and for the continued maintenance of the property in good order and repair and its continuous use throughout the entire term of the grant. The grant may also provide that in case such reserved right to operate or to take over such plant or property is not exercised by the city, and it shall, prior to payment for the same, secure a bid for the property, and grant a new franchise for the same service or utility, as provided in paragraph "c" of this section, or grant the right to another person or corporation to operate said utility, so occupied and used by its grantor, under the former grant, that the title to and possession of the plant and property so taken away be transferred directly to the new grantee upon the terms upon which the city may have purchased it.

(c) Whenever any plant or property shall become the property of the city of Grand Junction, the city shall have the option at any time, then or thereafter, either to operate the same on its own account, or by ordinance to lease the same or any part thereof, together with the franchise or right to use the streets or other public property in connection therewith, for periods not exceeding twenty-five years, under such rules and regulations as it may prescribe, or by ordinance to sell the same; provided, however, that no such ordinance shall be adopted except by a majority vote of the qualified electors of the city.

126. Charter Provisions Not to Impair Right to Insert Other Matters in Franchise.—The enumeration and specification of particular matters in this charter which must be included in every franchise or grant, shall never be construed as impairing the right of the city to insert in such franchise or grant, such other and further conditions, covenants, terms, restrictions, limitations, burdens, taxes, assessments, rates, fares, rentals, charges, control, forfeitures, or any other provision whatever, as the city shall deem proper to protect the interests of the people.

127. Revocable Permits.—The council may grant a permit at any time, in or upon any street, alley, or public place, provided such permit may be revocable by the council at its pleasure at any time, whether such right to revoke be expressly reserved in such permit or not.

ARTICLE XV.

COMMISSIONS AND BOARDS.

Parks.

128. Commission—Statutes Apply.—A park commission shall be ap-

pointed by the city council, to serve without compensation, with the powers, functions and duties established by Sections 6771 to 6788 inclusive, of the Revised Statutes of Colorado, 1908, until otherwise provided by ordinance.

Public Library.

129. Board—Statutes Apply.—The existing board of directors of the Public Library of the city of Grand Junction shall continue with the powers, functions and duties established by Sections 3972 to 3984 inclusive, of the Revised Statutes of Colorado, 1908, until otherwise provided by ordinance.

Public Charities.

130. Board of Charities.—The city council shall establish a commission of public charities and appoint commissioners thereon, to serve without compensation, with such tenures, powers and duties of office as may be fixed by ordinance.

Civil Service.

131. Commission.—There is hereby established a civil service commission consisting of three members who shall serve without compensation, and who shall have such tenures, rights, powers and duties of office as may be prescribed by ordinance not in conflict with this charter. Such commission shall be appointed by the city council prior to January 1, 1913.

132. Classified List.—Such commission shall classify any salaried employes in the five departments of the city as provided by ordinance, for open, non-partisan, competitive, and free examination as to fitness, with limitations as to residence, health, habits and moral character; for an eligible list from which vacancies shall be filled; for a period of probation before employment is made permanent; and for promotion on the basis of merit, experience and record. Such civil service appointees shall only be removed from their employment for cause unless by unanimous vote of the council.

ARTICLE XVI.

DIRECT LEGISLATION BY THE PEOPLE.

133. Direct Legislation.—Any proposed ordinance may be submitted to the council by petition signed by qualified electors of the city, equal in number to the percentage hereinafter required. The procedure in respect of such petition shall be the same as provided in Sections 28 and 29, Article III, of this charter, with such modifications as the nature of the case requires, except that no blank forms shall be furnished or preliminary affidavit made.

134. Ten Per Centum Petition.—If the petition accompanying the proposed ordinance be signed by qualified electors equal in number to at least ten per centum of the last preceding vote cast in the city for all candidates for Governor of the State of Colorado, and contains a request that said proposed ordinance be submitted to a vote of the people, if not passed by the council, the clerk shall thereupon ascertain and certify its

number of qualified signers; whereupon, if such certificate shows the required number of qualified signers, the council shall within twenty days thereafter, either—

(a) Pass said ordinance without alteration, (subject to the referendum vote provided by this article); or

(b) Call a special election unless a general or special municipal election is to be held within ninety days thereafter, and at such general or special municipal election said proposed ordinance shall be submitted without alteration to the vote of the qualified electors of the city.

135. Five Per Centum Petition.—If the petition be signed by qualified electors equal in number to at least five per centum but less than ten per centum of the last preceding vote cast in the city for all candidates for Governor of the State of Colorado, as shown in the manner hereinbefore provided, and said proposed ordinance be not passed without alteration by the council within twenty days, as provided in the preceding section, then such proposed ordinance, without alteration, shall be submitted by the council to electoral vote at the next general municipal election, if any, occurring within forty days thereafter. If filed before forty days, or within twenty days of such election, said petition shall be invalid.

136. Mode of Protesting Against Ordinances.—No ordinance passed by the council shall take effect before thirty days after its final passage and final publication, except an emergency ordinance, as provided in Article VI of this charter. If, within said thirty days, a petition signed by qualified electors of the city equal in number to at least ten per centum of the last preceding vote cast in the city for all candidates for Governor of the State of Colorado, be presented to the council, protesting against such ordinance taking effect, the same shall thereupon and thereby be suspended from taking effect, the council shall immediately reconsider such ordinance, and if the same be not entirely repealed, the council shall submit it, by the method provided in this article, to a vote of the qualified electors of the city, either at the next general municipal election, or at a specal election, which may, in their discretion, be called by them for that purpose, and such ordinance shall not take effect unless a majority of the qualified electors voting on the same at such election, shall vote in favor thereof.

The procedure in respect of such referendum petition shall be the same as provided in sections 28 and 29 of Article III of this charter, with such modifications as the nature of the case requires, except that no blank forms shall be furnished or preliminary affidavit made.

137. Reference by the Council.—The council may, of its own motion, submit to electoral vote for adoption or rejection at a general or special municipal election, any proposed ordinance or measure, or a proposition for the repeal or amendment of any ordinance, in the same manner and with the same force and effect as provided in this article for submission on petition. If the provisions of two or more proposed ordinances or measures, adopted or approved at the same election, are inconsistent, then

the ordinance or measure receiving the highest affirmative vote shall prevail.

138. Publication of Electoral Ordinance.—Whenever any proposed ordinance is required by this charter to be submitted to the voters of the city at any election, the council shall cause it to be published as required of other proposed ordinances.

139. Election.—The ballots used when voting upon such proposed ordinance shall state the nature of the ordinance in terms sufficient to identify it, and, on separate lines, the words, "For the Ordinance", and "Against the Ordinance." If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, the same shall thereupon become an ordinance of the city.

140. Several Ordinances at One Election.—Provision shall be made on each ballot for voting upon all proposed ordinances submitted at that election.

141. Limit to Special Elections.—There shall not be held under this article more than one special election in any period of six months.

142. Repeal or Amendment.—An ordinance adopted by electoral vote, cannot be repealed or amended except by electoral vote.

143. Regulations.—The council may, by ordinance, make such regulations, not in conflict herewith, as it may deem necessary to carry out the provisions of this article.

ARTICLE XVII.

GENERAL PROVISIONS.

144. Present Form of Government Terminated.—Upon the approval of this charter by a majority of the qualified electors voting thereon, and upon filing two copies thereof officially certified by the city clerk, in the office of the Secretary of State of Colorado, it shall thereupon be in full force and effect, and the present form of government including all existing city wards, shall thereupon cease and terminate. All officers and other persons in the service of the city at that time shall continue to serve as such, receive the compensation therefor now provided by law or by ordinance, have and exercise the powers, authority and jurisdiction theretofore possessed by them respectively, until the elective officers first elected hereunder shall have qualified. Upon such qualification, the term of office of every officer or other person in the service of the city at the time this charter takes effect shall terminate immediately. All persons in the service of the city at the time this charter takes effect (except the mayor, aldermen, police magistrate, city clerk, city treasurer, street commissioner, water commissioner, or any other person whose office ceases by virtue thereof) shall continue to draw compensation at the same rate,

and to exercise like powers, authority and jurisdiction as theretofore, until replaced or until the council shall otherwise provide.

145. Duty of Present Officers as to Elections.—It shall be the duty of the mayor, the city council, and the city clerk in office when this charter takes effect, to comply with all the requirements of Article II of this charter relating to elections, to the end that all things may be done necessary to the nomination and election of the officers first to be elected under this charter.

146. Outgoing Officers.—All officers of the city whose term of office shall be terminated by the first election under this charter, shall deliver and turn over to the officers upon whom their powers and duties devolve, all papers, records, and property of every kind in their possession or custody by virtue of their office, and shall account to them or to any authority designated by the city council, for all funds, credits or property of any kind with which they are properly chargeable, as such officials.

147. Present Ordinances Continue in Force.—All laws, ordinances, resolutions, by-laws, orders, rules or regulations in force in the city of Grand Junction, at the time this charter takes effect, not inconsistent with its provisions, whether enacted by the authority of the city or any other authority, shall continue in full force and effect until otherwise provided by ordinance.

148. Penalty for Violation.—Any person who shall violate any of the provisions of this charter for the violation of which no punishment has been provided herein, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding one hundred ($100.00) Dollars, or by imprisonment in the city jail not exceeding three months, or by both such fine and imprisonment.

149. Definition of Misdemeanor.—The term "misdemeanor" as used in this charter, shall mean a violation thereof, or of any ordinance, of which the Municipal Court or magistrate thereof shall have jurisdiction, and shall not have the meaning attached to it in Chapter XXXV entitled "Crimes," Revised Statutes of Colorado, 1908.

150. Continuing Bonds, Etc.—All official bonds, recognizances, obligations, contracts and all other instruments entered into or executed by or to the city before this charter takes effect, and all taxes, fines, penalties, forfeitures incurred or imposed, due or owing the city, shall be enforced or collected, and all writs, prosecutions, actions and causes of action, except as herein otherwise provided, shall continue without abatement and remain unaffected by this charter; and all legal acts done by or in favor of the city, shall be and remain as valid as though this charter had not been adopted.

151. Submission of Charter Amendments.—This charter may be amended at any time in the manner provided by Article XX of the constitution of the State of Colorado. Nothing herein contained shall be con-

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strued as preventing the submission to the people of more than one charter amendment or measure at any one election.

152. Reservation of Power.—The power to supersede any law of this state, now or hereafter in force, in so far as it applies to local or municipal affairs, shall be reserved to the city, acting by ordinance.

CERTIFICATE.

WHEREAS, the City of Grand Junction in the County of Mesa, and State of Colorado, a city of the second-class, did, on the 8th day of June, 1909, at a special election under and in accordance with the provisions of Article XX of the constitution of the State of Colorado, elect George R. Barton, James W. Bucklin, Heman R. Bull, William Campbell, Alfred R. Cullen, William E. Dudley, Wendell P. Ela, George W. Fletcher, Ernest M. Gillpatrick, William C. Herrman, Shepard B. Hutchinson, William H. Lee, Charles P. McCary, William J. Moyer, John Murphy, Frank Sawyer, Marcus M. Shores, David T. Stone, Thomas M. Todd, Bostwick W. Vedder and James Woods, as a Charter Convention of twenty-one (21) electors, qualified as required by said Article XX, to prepare and propose a Charter for said City;

BE IT KNOWN, that, in pursuance of said provision of the constitution, and within a period of sixty days after said election, said Charter Convention has prepared, and does propose the foregoing as and for the Charter of said City of Grand Junction, and that in submitting and proposing said Charter to the voters of said city, the Charter Convention, pursuant to said provisions of the constitution, also submits therewith for the choice of the voters, and to be voted on separately without prejudice to the other provisions contained in the Charter, an alternative proposition hereinafter stated. Said alternative proposition shall, if approved by a majority of the voters voting on the question, thereupon take effect, and take the place of Section 35, Article IV of this Charter, and thereupon said Section 35 hereinbefore set forth, shall then, and in that event, be invalid and be eliminated.

Said alternative proposition shall be submitted to the voters for their approval or rejection at the same election at which the Charter shall be submitted. Upon the ballots submitting the adoption of the Charter shall be printed two propositions as follows:

	YES	NO
Shall the Charter be adopted?		
Shall the alternative proposition for three commissioners take the place of Section 35, Article IV for five commissioners?		

Those voting in favor of either or both of said propositions shall put a cross (X) in the first column opposite such propositions under the word "Yes"; those voting against either or both of said propositions, shall put

a cross (X) in the second column opposite such propositions under the word "No".

Said alternative proposition is as follows:

ALTERNATIVE PROPOSITION.

"**35. Officers—Terms—Salaries.**—The elective officers of the city shall consist of three commissioners; one of whom shall be the Commissioner of Public Affairs, Finance and Supplies, and shall have charge of Departments I and II, and shall be ex officio Mayor; one shall be the Commissioner of Highways, Health and Civic Beauty, and shall have charge of Departments III and IV; and one shall be the Commissioner of Water and Sewers, and shall have charge of Department V; each of whom shall be elected at large by the qualified electors of the city.

The terms of all elective officers shall commence at 10 o'clock A. M. on the first Tuesday following their election, and shall be for two years and until 10 o'clock A. M. of the first Tuesday following the election and qualification of their successors.

The salaries of each of such commissioners shall be One Hundred and Twenty-five ($125.00) Dollars per month, payable monthly."

IN WITNESS WHEREOF, We, the duly elected and qualified members of the Charter Convention, of the city of Grand Junction, State of Colorado, have hereunto subscribed our names in triplicate, in Convention, at the Council Chamber, in the City Hall, in said city, this sixth day of August, in the year of our Lord, one thousand nine hundred and nine.

JAMES W. BUCKLIN,
President.
BOSTWICK W. VEDDER,
Vice President.
JAMES WOODS,
Secretary.
GEORGE R. BARTON,
HEMAN R. BULL,
WILLIAM CAMPBELL,
ALFRED R. CULLEN,
WILLIAM E. DUDLEY,
WENDELL P. ELA,
GEORGE W. FLETCHER,
ERNEST M. GILPATRICK,
WILLIAM. C. HERRMAN,
SHEPARD B. HUTCHINSON,
WILLIAM H. LEE,
CHARLES P. McCARY,
WILLIAM J. MOYER,
JOHN MURPHY,
FRANK SAWYER,
M. M. SHORES,
DAVID T. STONE,
THOMAS M. TODD.

OFFICIAL DATA.

Grand Junction was selected, located, staked, and founded as a Townsite under and by virtue of the laws of the United States, September 26, 1881, by and in the names of George A. Crawford, Richard D. Mobley, M. Rush Warner, James W. Bucklin, and their associates, Allison White and H. E. Rood, who, pursuant thereto, on October 10, 1881, incorporated "The Grand Junction Town Company."

June 22, 1882, a vote was taken to incorporate the municipality by the name of the "Town of Grand Junction," which incorporation was completed July 19, 1882.

February 14, 1883, the town was made the County seat of the new County of Mesa.

April 20, 1891, the town was graded into a city of the second class.

April 6, 1909, Grand Junction became a Charter city by vote, pursuant to the State Constitution, and on June 8, 1909, the 21 Charter delegates were elected who completed and filed the Charter on August 7, 1909.

September 14, 1909, the election to adopt or reject the Charter takes place, and if adopted, the first election thereunder occurs November 2, 1909.

The population of Grand Junction as shown by official census was in round numbers in 1885, 500; in 1890, 2,000; in 1900, 3,600; in 1909 (City Directory), 11,000.

The elevation as fixed by the U. S. Government is 4,587 feet above sea level.

The City comprises all of Section 14; the SE¼ of Section 11; the SE¼ of Section 15; the NW¼ of Section 23; a strip of land 232 feet wide off the west side of the NW¼ of the NE¼ of Section 23, being an extension of 7th street, and the land lying west thereof; and all of the SW¼ of Section 13 except that part of the SE¼ of SW¼ of said Section 13, lying south of the right-of-way of the Rio Grande Junction Railway Company's track and comprising 23.04 acres; all being in T 1 S. R. 1 W. U. M., Mesa County, Colorado, and being a little less than two sections of land.

OFFICIAL BALLOT FOR
ELECTION PRECINCT NO. 10,
N GRAND JUNCTION, MESA
COUNTY, COLORADO, NOV-
EMBER 2, 1909.

W. F. Forbeck.

CITY CLERK.

OFFICI

General Municipal Election, City

INSTRUCTIONS.---To vote for any person, m
ing to your choice, at the right of the name voted fo
in the second column; vote any other choice in the t
not vote more than one choice for one person, as only one choice will count
office, if more than one candidate therefor. All distinguishing marks make
return it, and obtain another.

For Commissioner of Public Affairs	1st Choice	2nd Choice	3rd Choice
D. W. AUPPERLE			
W. H. BANNISTER			
N. A. LOUGH			
E. B. LUTES			
EDWIN M. SLOCOMB			
THOS. M. TODD			

For Commissioner of Water and Sewers	
BOSTWICK W. VEDDER	

For Commissioner of Finance and Supplies	
LEON J. CHAPMAN	
H. F. VORBECK	

AL BALLOT

Grand Junction, Colo., November 2, A. D. 1909

a cross (X) in ink in the square in the appropriate column accord-
Vote your first choice in the first column; vote your second choice
l column; **vote only one first and only one second choice.** Do
any candidate by this ballot. Omit voting for one name for each
ballot void. If you wrongly mark, tear, or deface this ballot,

r Commissioner of Highways	1st Choice	2nd Choice	3rd Choice
HN W. ARMSTRONG			
BERT M. HARDINGE			
NRY B. POTORF			
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